



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 03-994**

**Released: March 27, 2003**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF DYNEGY CONNECT, L.P. TO 360CARRIER MANAGEMENT INC.**

### **STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 03-80**

On March 14, 2003, 360carrier management inc. ("360-CMI" or "Transferee") and Dynegy Global Communications, Inc. ("DGC" or "Transferor") (together "Applicants"), filed an application pursuant to section 63.04 of the Commission's rules,<sup>1</sup> to transfer control of Dynegy Connect, L.P., ("Dynegy Connect") from DGC to 360-CMI.<sup>2</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because the transaction would result in the Transferee having a market share in the interstate, interexchange market of less than 10 percent; the Transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and neither of the applicants is dominant in the provision of any service.<sup>3</sup>

Dynegy Connect provides interstate telecommunications services throughout the continental United States. 360-CMI is a wholly owned subsidiary of 360networks Corporation, a provider of telecommunications services and network infrastructure in North America to carrier and data communications companies.

Dynegy Connect will be transferred to 360-CMI pursuant to an agreement whereby 360-CMI will acquire 100% of the equity of DGC. Including the interests of its wholly owned

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<sup>1</sup> 47 C.F.R § 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> Applicants have also filed an application for transfer of control in connection with international section 214 authority. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

<sup>3</sup> On March 25, 2003, Applicants filed an amendment in this docket requesting streamlined treatment for their application under section 63.03(b)(2)(i).

subsidiaries, DGC presently holds an 80% partnership interest in Dynegy Connect. Prior to closing, DGC will acquire the remaining 20% partnership interest in Dynegy Connect, which is presently held by Telstra, Ltd.

Applicants state that the proposed transfer of control will serve the public interest, convenience and necessity by promoting competition among telecommunications carriers. Applicants state that approval of the proposed transfer of control of Dynegy Connect from DGC to 360-CMI will enable 360networks Corporation to expand its existing fiber network and thereby increase its operational flexibility and efficiency in developing high-quality, reliable and innovative broadband network service offerings across North America. Applicants assert that these enhancements will inure directly to the benefit of existing customers of Dynegy Connect and ultimately to consumers in the domestic telecommunications marketplace.

### **GENERAL INFORMATION**

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.<sup>4</sup> Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31<sup>st</sup> day after the date of this notice.<sup>5</sup> Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding,

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<sup>4</sup> See 47 C.F.R. § 63.03(a).

<sup>5</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [qualexint@aol.com](mailto:qualexint@aol.com); facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [twilson@fcc.gov](mailto:twilson@fcc.gov), and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: [dcjohnso@fcc.gov](mailto:dcjohnso@fcc.gov), and
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: [wdever@fcc.gov](mailto:wdever@fcc.gov); and
- (5) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A739, Washington, D.C. 20554; email: [ielis@fcc.gov](mailto:ielis@fcc.gov); and
- (6) Nandan Joshi, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: [njoshi@fcc.gov](mailto:njoshi@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, please contact Tracey Wilson, at (202) 418-1394, Dennis Johnson (202) 418-0809, or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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